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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

NEVADA RESTAURANT SERVICES,  
 INC., DBA DOTTY’S, a Nevada corporation,

Plaintiff,

vs.

FACTORY MUTUAL INSURANCE  
 COMPANY, dba FM GLOBAL, a Rhode  
 Island corporation; AFFILIATED FM  
 INSURANCE COMPANY; a Rhode Island  
 Corporation; JEFFEREY ZEBARTH, an  
 individual; PATRICK LANGIN, an  
 individual; DOES I through X; and ROE  
 Business Entities I through X,

Defendants.

Case No.: 2:22-cv-01104-RFB-VCF

**STIPULATION AND ORDER FOR  
 CONTINUANCE OF COURT  
 DEADLINES**

**(First Request)**

Pursuant to Local Rules IA 6-1 and IA 11-2, Plaintiff Nevada Restaurant Services, Inc. (“Plaintiff”), and Defendants Factory Mutual Insurance Company (“Factory Mutual”), Affiliated FM Insurance Company (“Affiliated FM”), Jefferey Zebarth (“Zebarth”) and Patrick Langin (“Langin”) (collectively referred to as “Defendants”), by and through their counsel of record, hereby respectfully

1 request that the Court permit removal of Brian S. Kabateck, Esq. from the Caption and extend the  
2 deadline to file Verified Petitions and Designations of Local Counsel from July 26, 2022 to August  
3 25, 2022.

4 1. On May 31, 2022, Plaintiff filed a complaint in the Eighth Judicial District Court for  
5 breach of contract, contractual breach of implied covenant of good faith and fair dealing, and tortious  
6 breach of implied covenant of good faith and fair dealing against Factory Mutual and Affiliated FM.  
7 Plaintiff also alleged negligent misrepresentation against Defendants Zebarth and Langin.

8 2. Plaintiff's Complaint inadvertently included Brian Kabateck, Esq. on the caption. Mr.  
9 Kabateck is not making an appearance in this matter at this time, whether it be in State Court or  
10 Federal Court.

11 3. On July 11, 2022, Defendants Factory Mutual and Affiliated FM filed a petition for  
12 removal of the matter from the Eighth Judicial District Court for Clark County, Nevada, to the United  
13 States District Court for the District of Nevada.

14 4. On that same day, this Court ordered that Brian S. Kabateck, Shant A. Karnikian,  
15 Gary C. Partamian, Amy M. Churan and Christina M. Lincoln comply with completion and filing of  
16 the Verified Petition and Designation of Local Counsel ("Verified Petition") by July 26, 2022.

17 5. Plaintiff's counsel did not receive notice of the above-mentioned July 11, 2022 order  
18 until July 21, 2022, which does not afford them sufficient time to prepare their Verified Petitions and  
19 obtain all necessary documents.

20 6. Based on the foregoing, the parties hereby agree to:

- 21 a. Remove Brian Kabateck from the pleadings as he does not intend to appear in this  
22 matter;
- 23 b. Extend the deadline for non-local counsel to file their Verified Petitions from July  
24 26, 2022 to August 25, 2022, as they require more time to prepare their Verified  
25 Petitions and obtain all necessary documents.
- 26  
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1 DATED this 22<sup>nd</sup> day of July, 2022.

2 KEMP JONES, LLP

3  
4 /s/ J. Randall Jones

5 J. Randall Jones, Esq. (Bar # 1927)  
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15 *Attorneys for Nevada Restaurant Services, Inc.*

DATED this 22<sup>nd</sup> day of July, 2022.

WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

/s/ Howard J. Russell

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*Attorneys for Defendants*

# **EXHIBIT A**

Proposed Order

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23 Defendants.  
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Case No.: 2:22-cv-01104-RFB-VCF

**[PROPOSED] ORDER FOR  
CONTINUANCE OF COURT DEADLINES**

**(First Request)**

**[PROPOSED] ORDER**

Based on the parties' stipulation, it is hereby ordered that Brian S. Kabateck's name is deemed withdrawn from the docket as counsel of record for Plaintiff, and the deadline for Shant A. Karnikian and Gary C. Partamian to file their verified Petition and designation of Local Counsel is continued for thirty (30) days from July 26, 2022, to August 25, 2022.

**IT IS SO ORDERED:**



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED this 25th day of July, 2022.